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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,658	01/08/2002	Brian Carl Stanz	021756-024600US	6991

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EXAMINER	
LERNER, MARTIN	

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/042,658	STANZ ET AL.	
	Examiner	Art Unit	
	Martin Lerner	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18, 20 to 24, 30 to 33, and 37 to 49* is/are pending in the application.

4a) Of the above claim(s) *18, 20 to 24, 30 to 33, and 37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38 to 49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicants' election of Group II, Claims 38 to 49, in the reply filed on 23 May 2007 is acknowledged. Because Applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 18, 20 to 24, 30 to 33, and 37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 23 May 2007.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 39 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 39 and 45 set forth limitations directed to "displaying, for the translator, a third display screen of a computer program in a second [or third] natural language, the third display screen" displaying the edited translation, or comprising the translation, "of the source text in the second [or third] natural language, as it will appear in the second [or third] version of the computer program", which limitations are either new matter or misdescriptive of the invention. Neither Applicants' specification nor drawings were found to disclose anything about a third display screen. Figures 23 and 30 are the only drawings that disclose even two display screens. However, there isn't any third display screen disclosed by the originally filed Specification, and it is misdescriptive to suggest that there is a third display screen when only two display screens are disclosed. It may be that one of the same two display screens is used again to display more data for translation into an additional natural language, but it is misdescriptive to suggest that the graphic user interface has three display screens.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 45 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 45 and 46 are improper because the latter claim takes away a limitation that was previously recited, failing to further limit the former claim upon which it depends. Claim 45 recites a second interface, which is presumed to be a distinct

element from the interface recited by independent claim 38, as an additional element of a second interface is set forth by claim 45. However, claim 46 then says that the interface recited by independent claim 38 and the second interface recited by claim 45 are the same interface, rendering it unclear what is actually recited by claim 45. It is improper, in the present circumstance, to take away a positively recited element from a previous claim because the claim boundaries are thereby rendered indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 38, 39, 41, 43, 47, 48, and 49 are rejected under 35 U.S.C. 102(a) as being anticipated by *Yamamoto et al.*

Regarding independent claim 38, 47, 48, and 49, *Yamamoto et al.* discloses a method, system, and software program for performing contextual software translations, comprising:

"providing a first iteration of a computer program, wherein the computer program comprises source text in a first natural language" – a translator receives human language text for a software application to be translated; text elements are captured in text files and delivered to translators for translation (column 4, lines 27 to 31); text to be translated includes, *e.g.*, "CANCEL" and "OK" text buttons for a GUI written in Java

(column 6, lines 43 to 65: Figure 5); translation is between natural languages of Country A and Country B, *e.g.* between English and Japanese;

"providing an interface for a translator to provide a translation of at least some of the source text into a second natural language" – the translator is presented with a graphical user interface in the base language, and can then interactively translate each text label on the screen (column 3, lines 13 to 15); a software package is translated into another (or more than one) language for each text message, menu, and button (column 1, lines 34 to 41);

"displaying, for the translator, a first display screen of a first version of the computer program in the first natural language, the first display screen displaying the source text in the first natural language, as it will appear in a first version of the computer program" – when the translation tool is run, it retrieves both the text to be translated and the contextual information from localization files, and uses this information to create a GUI display ("a first display screen") which is similar to that of the original program; the translator can then translate the text in the proper context ("as it will appear in a first version of the computer program") (column 3, lines 19 to 25); when the text is to be translated, the contextual information is read, and a button, with the original text, is displayed on the screen ("a first display screen of a first version of the computer program in the first natural language") (column 5, lines 20 to 23; column 7, lines 25 to 27);

"displaying, for the translator, a second display screen of a second version of the computer program in the second natural language, the second display screen

comprising the translation of the source text in the second natural language, as it will appear in the second version of the computer program" – when the translator selects the button, an editor pop-up window is displayed ("a second display screen"), and the translator will enter the translated text for that button (column 5, lines 23 to 26; column 7, lines 28 to 30); the translator is provided with direct contextual information about the item being translated; the complete translation has been performed in the context in which the button will appear in the final application ("as it will appear in the second version of the computer program") (column 4, lines 39 to 43; column 7, lines 33 to 35).

Regarding claim 39, *Yamamoto et al.* discloses that the translation tool permits the translator to edit the components of the target application (column 7, lines 9 to 13; column 7, lines 41 to 45); implicitly, a translator may edit the components of the target application a number of times, which are then subsequently displayed; thus, further editing is equivalent to producing a third display screen of the edited translation.

Regarding claim 41, *Yamamoto et al.* discloses translation of text messages, menus, and buttons ("the source text") from a software package from one language ("the first natural language") into a new language ("the second natural language") (column 1, lines 34 to 41); thus, the original software application from Country A provides "the source text", and the translated computer program is "the target software program" for Country B.

Regarding claim 43, *Yamamoto et al.* discloses that the translator is provided with a GUI display and an editor pop-up window during the translation and editing

process (column 3, lines 12 to 23; column 5, lines 14 to 26); thus, an interface is provided during translation ("concurrently with writing a first iteration of the computer program").

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Peterson et al.*

Yamamoto et al. discloses displaying a graphic user interface (GUI) that displays the original text to be translated with contextual information ("the first display screen") and an editor pop-up window ("the second display screen") on the same screen into which the translator enters the translated text for a button. (Column 5, Lines 14 to 26) Thus, it is maintained that *Yamamoto et al.* anticipates the limitations of "the first display screen and the second display screen are displayed simultaneously" because the original text button and the editor pop-up window are displayed on the same screen. It should not matter how big or small, nor in what format the original text and pop-up window are displayed to meet the limitation of the first and second display screens being displayed simultaneously. Alternatively, however, *Peterson et al.* teaches that it is known to provide a browser tool bar with windows for an original language and a

translation language ("the first display screen and the second display screen are displayed simultaneously") so that the linguist can scroll through the text of the document being translated in an original language text window and a corresponding translation language text window. (Column 5, Line 52 to Column 6, Line 29) It would have been obvious to one having ordinary skill in the art to display first and second screens for translating text simultaneously as taught by *Peterson et al.* in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose of permitting a linguist to scroll through windows during translation.

11. Claims 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Malcolm ('903).*

Yamamoto et al. omits determining a translation status, updating a translation status, and monitoring development of the translation in response to detection of a revision of the translation. However, it is fairly well known to perform these activities in managing versions of documents during collaborative development. Specifically, *Malcolm ('903)* teaches tracking and logging changes made during development of translations of an application program to aid in the translation process. (Column 10, Line 16 to Column 11, Line 34: Table 3) It would have been obvious to one having ordinary skill in the art to determine a translation status, update a translation status, and monitor development of a translation in response to detection of a revision as taught by *Malcolm ('903)* in a method, system, and software program for performing contextual

software translations of *Yamamoto et al.* for a purpose of aiding a translator in a translation process.

12. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamamoto et al.* in view of *Fushimoto*.

Yamamoto et al. discloses a process of translating a software package into another (or more than one other) language. (Column 1, Lines 34 to 36) Thus, *Yamamoto et al.* expressly discloses translation "into a third natural language". It is maintained that *Yamamoto et al.* must implicitly produce another editor pop-up window for a translator to translate text of a button into the third language, and that the additional editor pop-up window will appear in the same interface ("wherein the interface and the second interface are the same interface"). Alternatively, however, *Fushimoto* teaches a graphic user interface that displays languages that can be translated as German, English, French, Italian, and Spanish, so that it is possible to specify the source language and the target language. (Column 7, Lines 21 to 27; Column 8, Lines 8 to 13: Figure 7) It would have been obvious to one having ordinary skill in the art to provide a third display for translating languages on the same interface as suggested by *Fushimoto* in a method, system, and software program for performing contextual software translations of *Yamamoto et al.* for a purpose specifying a source and target language from among more than two languages.

Response to Arguments

13. Applicants' arguments filed 02 April 2007 have been considered, but are moot in view of the new grounds of rejection, necessitated by presentation of a newly elected invention.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Weisner et al., Hamann, and Clark disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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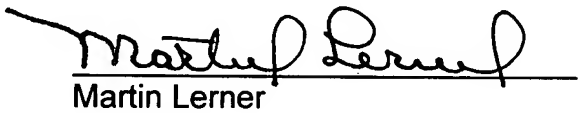

Martin Lerner
Examiner
Group Art Unit 2626